

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/818,616

Group Art Unit: 3627

Filing Date: March 28, 2001

Examiner: Maria Teresa T. Thein

Applicant: Katherine G. August et al.

Title: SYSTEM AND METHOD FOR CONDUCTING
CUSTOMER/VENDOR WIRELESS TRANSACTIONS

Atty. Docket No. 129250-000903

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

January 24, 2008

Mail Stop –APPEAL BRIEF-PATENT

**NOTICE REGARDING PREVIOUS PAYMENT OF APPEAL BRIEF FEE & REQUEST
FOR REFUND OR CREDIT OF NOTICE OF APPEAL FEE**

Sir:

In connection with the filing of Applicants' second Appeal Brief on January 24, 2008 the Applicants note that no appeal brief fee is believed due because this is the second appeal brief the Applicants have filed; the first brief filed on February 28, 2005 having been withdrawn based on the Examiner's re-opening of prosecution on August 18, 2005 after the Applicants had paid the appeal brief fee.

More specifically, in accordance with MPEP §1208.02 and related regulations under 37 CFR §1.193 *et seq.*, no fee is believed due in conjunction with filing of the Applicants' instant appeal brief.

Further, Applicants respectfully request that the \$510 Notice of Appeal (NOA) fee paid by Applicants on November 23, 2007 be refunded or credited to their Deposit Account, No. 50-3777 because a previous NOA and fee had also been filed and paid for prior to the Examiner's re-opening of prosecution on August 18, 2005.

For the sake of completeness, if the Commissioner determines an appeal brief fee is due, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional appeal brief fees required as well as fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC.

By: /John E. Curtin/

John E. Curtin, Reg. No. 37,602
P.O. Box 1995
Vienna, Virginia 22183
(703) 266-3330